

Classification Review of Employees Seconded to Special Offices to Assist Political Office Holders

Commissioner's Instruction 10

Statement of intent

To **set** the process for reviewing classifications of public sector employees in special offices who assist political office holders.

Scope and application

This instruction applies to:

- a public sector employee seconded to or placed in a special office, under sections 75(2)(b) or (c) of the *Public Sector Management Act 1994* (PSM Act), where:
 - their salary in the special office exceeds the maximum salary payable to a Level 5 office under the Public Service Award 1992; and
 - they have occupied a special office continuously for at least 2 years
- the employing authority of that employee
- the Director General of the Department of the Premier and Cabinet who coordinates requests for classification reviews in accordance with this instruction.

This instruction does not apply to:

- a ministerial officer appointed under section 68 of the PSM Act
- a person appointed to fill a vacancy in a special office under section 64(3) of the PSM Act
- a person transferred to a special office under section 65(1) or (2) of the PSM Act.

References

This instruction should be read in conjunction with:

- section 75(3) of the [PSM Act](#)
- Part 2 of the [PSM Act](#)
- regulation 13 of the [Public Sector Management \(General\) Regulations 1994](#)
- [Classification Review Guidelines: Public sector employees seconded to special offices](#)
- [Commissioner's Instruction 32: Financial and Classification Management of Senior Executive Service and Other Management Executives](#)
- [Commissioner's Instruction 40: Ethical Foundations](#) including the Public Sector Code of Ethics.

Definitions

Classification review

The process under this instruction by which an employee is entitled to have their classification reviewed.

Employing authority

The employing authority, as defined in section 5 of the PSM Act, of the employee seeking a classification review.

Home agency

The public sector body that employs the employee who is seconded to or placed in a special office.

Reviewer

An employing authority or other person appointed or authorised to conduct a classification review.

Special office

An office created under section 36 of the PSM Act for the purpose of assisting a political office holder.

Instruction

1. An employee seeking classification review must:
 - a) consult with the Department of the Premier and Cabinet before applying to confirm their eligibility to apply
 - b) apply to the Director General of the Department of the Premier and Cabinet in accordance with the Classification Review Guidelines while occupying a special office or within 2 months of returning from a special office to their home agency or another agency.
2. On receiving the application, the Director General of the Department of the Premier and Cabinet must, in accordance with the Classification Review Guidelines:
 - a) confirm if the employee is eligible for classification review under section 75(3) of the PSM Act
 - b) if the employee is eligible, appoint a reviewer as soon as reasonably practicable to conduct the classification review in accordance with the Classification Review Guidelines.



3. The Director General of the Department of the Premier and Cabinet, employee and employing authority must provide the reviewer with any information relevant to the classification review that the reviewer reasonably requests.
4. The reviewer must:
 - a) conduct the classification review within a reasonable timeframe and in accordance with the Classification Review Guidelines
 - b) in cases where the reviewer is the employing authority, ensure any person authorised to assist with the classification review is appropriately skilled or qualified to do so
 - c) while conducting the classification review consider:
 - i. any disadvantage the employee has experienced in accessing career opportunities by occupying the special office
 - ii. the employee's capability to work at a higher classification level after returning from a special office to their home agency or another agency
 - d) as soon as reasonably practicable after completing the classification review provide a report to the employing authority with their recommendation and the factors considered.
5. As soon as practicable, the employing authority must:
 - a) consider the classification review report and recommendation
 - b) comply with [Commissioner's Instruction 32: Financial and Classification Management of Senior Executive Service and Other Management Executives](#) if considering reclassification of a public service position to above the equivalent of a Level 8 office under the Public Service Award 1992
 - c) determine whether to reclassify the employee
 - d) notify the Director General of the Department of the Premier and Cabinet and employee in writing of the determination and the reasons.
6. A reclassification under this instruction is effective either on the date the employee ceased to occupy the special office or, if the employee remains in the special office, the date the employing authority approves the reclassification.
7. An employee reclassified under this instruction may submit a new application for a subsequent classification review:
 - a) in accordance with clause 1 of this instruction
 - b) no earlier than 2 years after the date of the previous reclassification.